

## REMARKS

In addition to previously cancelled claims 1, 6, 7, please also cancel claims 28-30 and 33.

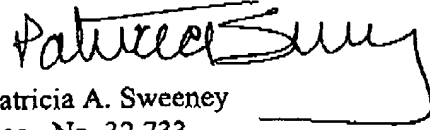
The Examiner has in the notice stated that cancelled claims 36-58 are listed, which were cancelled, claims are amended without being marked property and added claim has withdrawn status identified. Claims 35-58 were listed as cancelled, and the further listing below this indication not deleted; the new listing here deletes the extraneous material. Two claims, claims 14 and 15 had a comma added and now are listed as "currently amended." No new claims were added.

Thus, as indicated in the prior amendment claims 1, 6 and 7 are cancelled and so indicated. In the last office action the Examiner added claims 2, 5 and 8 to the claims restricted and they are indicated as withdrawn. Claims 9-15 are pending. Claims 16-18 were in Group II and thus restricted, their status indicated as withdrawn. Claims 19-22 in the last office action were added to those restricted and they are indicated as withdrawn. Claims 23-26 were in Group II and thus restricted, and their status indicated as withdrawn. Claims 27 and 31 are pending. The Examiner had restricted claims 30, and 32-33 but with the last office action reinstated the claims. The applicant listed claims 28-30 and 33 as withdrawn at request of the applicant, since they are to the promoter of the invention and not the nucleotide sequence which is the subject of this application. However, in this listing and amendment, it is requested they are cancelled and so indicated, since although it is believed they would have been in another group, the Examiner did not so indicate, and the applicant adds these claims to those cancelled. Claim 34 is pending. Claims 35-58 were cancelled in an earlier amendment accompanying filing of the application.

In sum, claim 1 is cancelled by the last amendment, claim 2 withdrawn by the Examiner in the last office action, claims 3 and 4 pending, claim 5 withdrawn by the Examiner in the last office action, claims 6 and 7 cancelled in the last amendment, claim 8 withdrawn by the Examiner in the last office action, claims 9-15 pending, claims 16-18 restricted and withdrawn, claims 19-22 added by the Examiner to those restricted and withdrawn in the last office action, claims 23-26 restricted and withdrawn, claim 27 pending, claims 28, 29, 30 cancelled with this response, claim 31 and 32 pending, claim 33 cancelled with this response, claim 34 pending. Currently pending claims with the amendment are claims 3, 4, 9-15, 27, 31, 32 and 34.

The Examiner is invited to contact the attorney of record below with any questions or concerns.

Respectfully submitted,



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